

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Julie M. Dunnigan,

Plaintiff,

v.

Case No.: 15-cv-2626 (SRN/JSM)

Federal Home Loan Mortgage Corporation
d/b/a Freddie Mac,

Defendant.

**DECLARATION OF PETER F. BARRY
AND CURRICULUM VITAE**

Pursuant to 28 U.S.C. § 1746, Peter F. Barry, having first been duly sworn and upon oath, verifies, certifies, and declares as follows:

1. I am over the age of eighteen and am fully competent to make this declaration.

This declaration is based upon my personal knowledge and if called upon to testify to the matters stated herein, I could and would do so competently.

Professional Background

2. My firm has regularly engaged in individual complex consumer-rights litigation involving the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, the Telephone Consumer Protection Act, 47 U.S.C. § 227, the Real Estate Settlement Procedures Act, 12 U.S.C. § 2601, the Fair Credit Reporting Act, 15 U.S.C. § 1681, and numerous other state and federal consumer protection laws.
3. Since 1996 to the present, I am a founding principal and partner of Barry &

Helwig, LLC, a law firm practicing exclusively in the area of federal consumer rights, most specifically and recently in litigating cases under the Fair Debt Collection Practices Act (“FDCPA”), the Telephone Consumer Protection Act (“TCPA”), and occasionally the Fair Credit Reporting Act (“FCRA”).

4. I have handled thousands of individual consumer lawsuits, claims, and settlements in state and federal court over the past 20 years in legal practice.
5. I have been hired as a paid consumer credit industry expert by Coleman Research Group, Raleigh, North Carolina.

Education

6. May 1996 - Juris Doctor from William Mitchell College of Law, Saint Paul, Minnesota. Admitted to practice in October 1996.
7. June 1993 - Bachelor of Arts in Political Science from the University Minnesota Twin Cities. Emphasis in presidential politics.

National Consumer Rights Law Practice

8. I am an attorney permanently licensed in the States of Minnesota and Wisconsin and am admitted to practice before the courts listed below:
 - United States Supreme Court.
 - Eighth Circuit Court of Appeals.
 - Minnesota State and Federal courts.
 - Wisconsin State and Federal courts.
 - District of Minnesota Federal Court.



- District of Colorado Federal Court.
- District of Nebraska Federal Court.
- Western District of Wisconsin Federal Court.
- Northern District of Texas Federal Court.
- Southern District of Texas Federal Court.
- Eastern District of Tennessee Federal Court.
- Western District of Tennessee Federal Court.
- Eastern District of Michigan Federal Court.
- Numerous other pro hac vice admissions throughout the United States Federal Districts.

Professional Memberships

9. I have professional memberships in a number of legal organizations, as listed below:

- National Association of Consumer Advocates (NACA)
- National Consumer Law Center (NCLC)
- Hennepin County Bar Association
- Wisconsin Bar Association
- Federal Bar Association
- Minnesota State Bar

Other Professional Legal Work

10. Since 2003, I have been an adjunct Professor of Law at Mitchell Hamline School

of Law, in Saint Paul, Minnesota, where I have taught two-credit Consumer Rights Litigation class.

11. Since 2006, I have served as the 4th District Hennepin County Ethics Investigator, where I have conducted and issued reports and disciplinary recommendations on numerous ethics investigations of attorneys.
12. Since 2011, I have been a volunteer attorney on the Federal Pro Se Project panel in Minneapolis, Minnesota. I provide legal advice and practical litigation direction for unrepresented persons referred by the United States District Court.
13. Since 2013, I have been a North Star Lawyer every year since the inception of this program that recognizes lawyers who have contributed at least 50 hours of Pro Bono legal services each year in Minnesota.
14. Since 2001, I have personally trained more than 1,200 attorneys from all 50 states, Washington D.C. and Puerto Rico in FDCPA litigation practices in an intensive three-day course known as The FDCPA Boot Camp. I developed all course curriculum and materials for these litigation seminars.
15. In 2008, I jointly developed with O. Max Gardner, and delivered a consumer rights litigation curriculum for small group trainings of private consumer rights attorneys. Training involved realistic depositions, discovery strategies, conducting evidentiary vignettes, a full day of live courtroom work with an actual judge, court reporter, and witnesses. The curriculum was known as The Ultimate Litigation Boot Camp.

Significant Litigation

16. On March 29, 2012, I was awarded \$44,625.00 in attorney's fees plus \$513.15 in costs, for a total of \$45,138.15, in an FDCPA case against a Minneapolis collection firm who tried to collect from the wrong person. Gupta v. Arrow Financial Services, LLC, Gurstel, Staloch & Chargo, P.A., et al. (USDC-Minnesota Court File No. 09-cv-03313-SRN-SER at Docket 57).
17. On January 21, 2010, I was hired by Texas Attorney General to testify as the sole expert witness on consumer fraud case resulting in \$13,800,000 dollar verdict. State of Texas v. Jubilee Financial Solutions, L.P., D/B/A The Credit Card Solution, et al., District Court of Harris County, 215th Judicial District, No. 2009-43253.
18. On October 29, 2007, I won a partial summary judgment in FDCPA case predicated upon more than 50 calls to consumer's workplace. Sanchez v. Client Services, Inc., 520 F.Supp.2d 1149 (USDC-ND California, San Jose Division, No. C-06-6280).
19. On January 4, 2006, I settled an individual FDCPA case against debt collector for abusive phone conversations for \$275,000. Rice v. Inland Legal (USDC-Minnesota Court File No. 04-5104 JMR/FLN).
20. On December 8, 2005, I was awarded \$58,155 in fees and costs in an individual FDCPA case involving abusive collection calls with co-counsel. Frankenfield v. National Action Financial Systems, Inc. (USDC-ED of Pennsylvania Court File No. 04-cv-00238-ACR).
21. On December 17, 2003, I was certified as Lead Class Counsel - Remely v. Etan

General, Inc. (USDC-ND of Texas, Court File No. 3-01CV2658-K) representing a class of approximately 27,400 Minnesota residents.

22. On June 26, 2003, I was certified as Class Counsel - Domzalski v. Coldata, (USDC-Minnesota, Court File No. CV 01 1883 DSD/SRN) representing a class of approximately 2,600 Minnesota residents.
23. In April 2002, I was certified as Class Counsel - Byrd v. Metropolitan Corporation (Hennepin County, Minnesota, Court File No. CT-00-0169055) representing a class of approximately 3,300 Minnesota residents with class case tried to a jury
24. In the year 2000 , I won the first reported Minnesota jury verdict on invasion of privacy claim - \$15,000 - O'Brien v. Minnesota Recovery Bureau (Wright County, Minnesota, Court File No. 86-C8-99-000470).
25. In 1999, I was certified as Class Counsel - Jordan et al. v. Western Diversified Life Insurance Company (Hennepin County, Minnesota, Court File No. CT-96-016337) multi-million dollar consumer case against insurance company for failure to refund unearned portion of premiums representing several thousand Minnesota residents.

Professional Speaker on Consumer Rights Issues

26. I have participated in numerous speaking engagements, which are listed below:
 - Featured speaker at the University of Minnesota Law School Community Legal Partnership for Health Clinic course speaking on rights of consumers who are in collections on October 19, 2016.
 - Featured speaker at webinar on Evidence Gathering in FDCPA and TCPA

Cases for the National Association of Consumer Advocates on July 26, 2016.

- Featured speaker at the 2016 NACA/NCLC FDCPA Conference Miami to expert and beginner groups on TCPA and FDCPA litigation.
- Featured speaker on “Law Firm Economics” at Expo Elementary, Saint Paul, Minnesota, November 2015.
- Featured speaker at Minnesota Brain Injury Alliance on the legal rights of traumatic brain injury patients, September 2015.
- Featured speaker at the 2015 NACA/NCLC FDCPA Conference Washington, D.C. to expert and beginner groups on TCPA and FDCPA litigation, March 2015.
- Featured Speaker at Minnesota State Bar Association Debtor Creditor CLE, January 2015.
- United States Army War College, Certificate of Leadership Development, National Security Strategy Seminar Graduate, June 2014.
- Featured CLE speaker Federal Pro Se Project CLE – Mini FDCPA Boot Camp for volunteer attorneys, May 2014.
- Featured speaker at the 2014 NACA/NCLC FDCPA Conference San Antonio to expert and beginner groups on TCPA and FDCPA litigation.
- Featured webinar speaker with NACA on “Everything You Need To Know About Client Intake” in October 2013.

- Featured speaker at the Minnesota State Bar Association Creditor/Consumer CLE, Minneapolis in October 2013.
- Featured speaker at Attorney General CLE in front of 300+ lawyers in Minneapolis June 2013.
- Minnesota Assistance Council for Veterans, May 14, 2013, Minneapolis, one-on-one pro bono consumer counseling for disabled veterans.
- Featured speaker at NCLC Conference Baltimore March 2013 to expert and beginner groups on TCPA and FDCPA litigation.
- “Avoiding Suits Under the FDCPA”, Minnesota Lawyers Mutual, webcast CLE to approximately 800 lawyers nationwide, January 31, 2013, Minneapolis.
- FDCPA CLE Presentation, October 31, 2012, Minnesota Association of Justice (Trial Lawyers) Minneapolis, in front of 55 lawyers for an hour.
- Debtor Creditor Bar Meeting, Minnesota State Bar Association, October 15, 2012, in front of 200 lawyers for two hours.
- Senior Legal Fair, September 14, 2012, Saint Paul, one-on-one pro bono consumer counseling for elderly.
- Speaker at National Organization Of Social Security Claimants' Representatives Conference, May 4, 2012, in Philadelphia, Pennsylvania.
- Speaker at National Association of Consumer Advocates/National Consumer Law Center FDCPA Conference on February 23, 2012, in New

Orleans, Louisiana.

- Speaker at the Minnesota State Bar Association, Creditor-Debtor Committee, Minneapolis, on October 11, 2011.
- Speaker at the Minnesota Real Estate Exchangers (MREE) Meeting, on October 5, 2011, in Edina, Minnesota.
- Speaker at the 2011 Cleveland Metropolitan Bar Association's William J. O'Neill Bankruptcy Institute, May 17, 2011, in Cleveland, Ohio.
- Speaker at National Association of Consumer Advocates and the NCLC FDCA Conference on March 3, 2011, in Seattle, Washington.
- Speaker at the Minnesota State Bar Association, Creditor-Debtor Committee, Minneapolis, on November 16, 2010.
- Speaker and litigation instructor at the National Association of Consumer Bankruptcy Attorneys, in San Juan, Puerto Rico on November 5-6, 2010.
- Speaker at the North American Collection Agency Regulators Association, in Bismarck, North Dakota on October 4, 2010.
- Speaker and litigation instructor at the National Association of Consumer Bankruptcy Attorneys, in San Francisco, California on May 1-3, 2010.
- Speaker at the Minnesota State Bar Association, Creditor-Debtor Committee, Minneapolis, on April 22, 2010.
- Speaker at National Association of Consumer Advocates and the NCLC FDCA Conference on March 5, 2009, in Jacksonville, Florida.

- Speaker at the North American Collection Agency Regulators Association, in Boise, Idaho on August 31, 2009.
- Speaker at the National Association of Consumer Bankruptcy Attorneys, in Chicago, Illinois on May 29-31, 2009.
- Speaker at National Association of Consumer Advocates and the NCLC FDCPA Conference on February 27, 2009, in San Diego, California.
- Speaker at ABA Consumer Litigation Conference in Scottsdale, Arizona on January 12, 2009 Conference.
- Speaker at the National Consumer Law Center's Annual Consumer Rights Conference in Portland, Oregon on October 24-25, 2008.
- Speaker at the Elder Law CLE in Minneapolis on October 2, 2008.
- Speaker at the North American Collection Agency Regulators Association, in Minneapolis on September 22, 2008.
- Speaker at the Minnesota State Bar Association Bankruptcy CLE at the Northland Inn in Brooklyn Park, Minnesota on October 6, 2008.
- Speaker at the Creditor/Debtor CLE in Minneapolis on July 7, 2008.
- Speaker at National Association of Consumer Advocates and the NCLC FDCPA Conference on March 28, 2008, in Nashville, Tennessee.
- Speaker at the Volunteer Attorneys Program in Duluth, Minnesota on October 19, 2007, on the topic of abusive collection practices.
- Speaker at the Minnesota State Bar Association's "Military Legal

Assistance Seminar" on September 11, 2007 in Minneapolis.

- Speaker at the University of Gonzaga Law School in Spokane, Washington on July 13, 2007.
- June 2-3, 2006 – Featured Speaker on consumer debt collection and the FDCPA at Gonzaga University School of Law, Spokane, Washington.
- February 25-26, 2006 – Featured Speaker and Panel Member at the National Consumer Law Center’s Conference on Fair Debt Collection Practices, Austin, Texas.
- June 2-3, 2006 – Featured Speaker on consumer debt collection and the FDCPA at Gonzaga University School of Law, Spokane, Washington.
- February 25-26, 2006 – Featured Speaker and Panel Member at the National Consumer Law Center’s Conference on Fair Debt Collection Practices, Austin, Texas.
- November 1, 2005 – Guest lecturer in Consumer Law, Hamline University School of Law, Saint Paul, Minnesota.
- October 28-29, 2005 – Featured Speaker and Panel Member at the National Association of Consumer Advocates Annual Conference, Minneapolis, Minnesota.
- July 28, 2005 – Featured speaker to a large group of attorneys at the Minnesota State Bar CLE Center on the topic of “What Gets Collection Lawyers Sued.”

- March 12-13, 2005 – Featured Speaker and Panel Member at the National Consumer Law Center’s Conference on Fair Debt Collection Practices, Washington, DC.
- February 21-22, 2004 – Featured Speaker and Panel Member at the National Consumer Law Center’s Conference on Fair Debt Collection Practices, Kansas City, Missouri.
- September 16, 2004 – Featured speaker to a large group of attorneys at the Minnesota State Bar CLE Center on the topic of “FDCPA: A Plaintiff’s Perspective.”
- December 19, 2003 – Featured Speaker at the Minnesota State Bar Association's Landlord/Tenant Committee on lawful debt collection issues.
- October 24, 2003 – CLE Speaker on Fair Debt Collection topics at National Association of Consumer Advocates Conference in Oakland, California.
- September 17, 2003 - Featured speaker at Minnesota State Bar Association Center on the topic of unlawful debt collection practices.
- May 21, 2003 – Featured speaker at Hennepin County Bar Association, Creditor Debtor Section, Minneapolis, Minnesota.
- March 1, 2003 – Featured speaker at Minnesota Trial Lawyers Conference, Duluth, Minnesota.
- January 15, 2003 – Featured speaker at a roundtable conference before students and staff at William Mitchell College of Law, Saint Paul,

Minnesota on the topics of consumer rights and solo practice.

- September 2002 – Featured speaker North American Collection Agency Regulatory Authorities Convention, New Orleans, Louisiana.
- September 2002 – Featured speaker at Woodbury Public Safety Seminar on Identity Theft, Woodbury, Minnesota.
- August 2002 – Featured speaker at Minnesota Trial Lawyers Conference, Alexandria, Minnesota.
- March 2002 – Speaker at Continuing Legal Education Class on Legal Debt Collection and Consumer Rights, Eagan, Minnesota.

Other Legal Accomplishments

27. My other accomplishments include:

- November 2015 – Founding Member Law School Transparency National Advisory Council, www.lawschooltransparency.com.
- August 2013 – Graduate Interview and Interrogation Techniques Seminar, Wicklander Zuluwsky, Boston, Massachusetts.
- June 2013 – Avvo.com Attorney Rating of 10.0 out of 10.0 (Superb).
- October 18, 2012 – Attended Federal Trade Commission's Robo-Dialer Enforcement Summit, Washington, D.C.
- November 13, 2011 – Attended House Telecom Subcommittee Hearings on Robo-Dialing of Cellular telephone and assisted in witness preparation, acting as special counsel for National Association of Consumer Advocates

legislative director.

- October 2005 – Named 2005-2006 Consumer Lawyer of the Year by the National Association of Consumer Advocates.
- 2006 – 2016 – National Association of Consumer Advocates Minnesota State Director.
- 2003 – Class counsel directing \$7,121 as Cy Pres Award to the Minnesota Legal Services Coalition, Saint Paul, Minnesota arising out of Remely v. Etan General, Inc. litigation.
- 2003 – Class counsel directing \$11,824 as Cy Pres Award to the National Consumer Law Center arising out of Domzalski v. Coldata, Inc. litigation.
- 1996 - Competitor at National Trial Advocacy Competition, Chicago, Illinois.
- 1995 - Won CALI Award for Excellence on Criminal Appeals.
- 1995 - Law Clerk - In Re: Sexual Predator Taskforce Civil Commitment Litigation.
- 1995 - Student Attorney - Legal Assistance to Minnesota Prisoners.
- 1994 – Volunteer Housing Advocate - Saint Paul Tenants Union.
- In 2002, I published “Avoiding Lawsuits Under the FDCPA”, Consumer Credit Collector Advisor, Vol. 10, Issue 3, and am currently in charge of the creation, publication and maintenance of all content on FDCPA consumer website, www.lawpoint.com.

Media Appearances

28. I have made numerous media appearances, including those show below:

- February 2015 – Interviewed and quoted by Minneapolis / St. Paul Business Journal regarding proposed TCPA legislation.
- February 15 2015 – Interviewed and quoted by Minneapolis StarTribune regarding proposed TCPA reforms.
- January 9, 2014 – Interviewed and quoted by Aljazeera-America for a story about abusive debt collection practices and phantom lawsuits against consumers.
- September 2013 –Interviewed by Creditcards.com for story on student loans and garnishment practices on consumer judgments.
- November 30, 2011 – Provided Minnesota Public Radio with background and on-air quotes regarding abusive collection practices in Minnesota.
- March 23, 2011 – Provided ABC Evening News with Diane Sawyer with samples of more than a dozen abusive collection calls used in a national broadcast story.
- August 1, 2010 – featured on the front page of the Minneapolis StarTribune Sunday newspaper for are article about training lawyers to sue debt collectors, page 1.
- May 13, 2009 - featured in a Minnesota story on debt collection litigation on Minnpost.com.

- March 27, 2009 - appeared on Dateline NBC with Chris Hansen and the Today Show to discuss abusive collection practices by consumer debt collectors in the U.S.
- August 22, 2008 - appeared on Fox TV to discuss the frightening collection tactics used by some debt collectors.
- July 13, 2008 – featured in a story in the Minneapolis StarTribune newspaper involving the abuse of the military by debt collectors.
- June 4, 2008 - appeared on the front cover of Minneapolis City Pages Magazine for a feature article about her life and FDCPA practice.
- June 17, 2008 – appeared live on Fox Morning Show featuring a segment on abusive collection practices.
- May 8, 2008 - featured on Los Angeles' Fox 11 News speaking about abusive collection practices.
- May 6, 2008 - appeared on KMSP-TV Fox 9 News for a story on abusive debt collection.
- January 19, 2007 - featured on ABC's 20/20 and Nightline for a story about abusive debt collection practices.
- April 2004 - Named a 2004 SuperLawyer by Minnesota Law & Politics Magazine.
- February 13, 2004 - Interviewed and clients featured in a story on KSTP Channel-5 involving abusive collection practices in Minneapolis-Saint

Paul.

- March 5, 2004 - Interviewed and client featured in an investigative story on abusive debt collection practices with CBS Evening News.
- February 2004 – New York Times, New York. Background interview for story on abusive debt collection practices and the credit card industry.
- May 19, 2003 – Appeared in abusive debt collection practices story on www.Bankrate.com consumer financial services website and www.msnbc.com.
- April 18, 2003 – National Public Radio, Boston, Massachusetts. Background interview for story on abusive debt collection practices.
- April 2003 - Named a 2003 SuperLawyer by Minnesota Law & Politics Magazine.
- November 20, 2002 – KSTP-TV Channel 5, Minneapolis-Saint Paul, Minnesota. Appeared in story on abusive debt collection practices and tape recorded collection calls.

Volunteer Work

29. I have volunteered on numerous occasions over the past several years, including the activities listed below:

- 2012 – Present Minnesota State Bar Association North Star Lawyer providing 50 hours or more of pro bono legal services per year to help people who otherwise could not afford counsel achieve justice.

- 2013 – Minnesota Assistance Council for Veterans May 2013 rendering legal services to disabled American Veterans at the VA Hospital, Minneapolis.
- 2012 – Member of ad hoc working group with the Consumer Financial Protection Board (CFPB) for legislative debt collection reforms.
- 2011 – Lobbied in Washington, D.C. against robo-dialer “reform” legislation that would have permitted unrestricted robotic calls to cellular telephones. Assisted in televised Congressional testimony that resulted in successfully killing bill before it got out of committee (HR 3035).
- 2011 to Present – Volunteer Attorney for Federal Pro Se Project, Minneapolis, Minnesota.
- 2010 to 2011 – Volunteer parent fundraiser for Great River School, Saint Paul, Minnesota.
- 2010 – Volunteer host family for International Foreign Exchange Student, Youth For Understanding USA.
- 2008 Community Activist for Como Park Neighbors association.
- 2006 to 2016 – Minnesota State Coordinator for the National Association for Consumer Advocates vetting membership applications.
- 2006 to Present – University of St. Thomas School of Law Student Mentor Program.
- 2005 – Lobbied against bankruptcy reform in Washington, D.C.

- 2004 - National Consumer Law Center, Member of Federal Lobbying Committee.
- 2003 to 2006 - National Consumer Law Center, Ad Hoc Planning Committee for the Conference on Fair Debt Collection Practices.
- 2003 - University of St. Thomas School of Law, Minneapolis, Minnesota – informal brown bag luncheon to help identify consumer law topics that affect equal justice.
- 2001 to 2004 - Habitat for Humanity, Saint Paul, Minnesota.
- 2000 to 2008 - William Mitchell College of Law Student Mentor Program.
- 1998 to 2000 – Volunteer mentor St. Joseph’s Home for Children, Minneapolis.
- 1999 to Present – Volunteer attorney mentor assisting new consumer lawyers in Minneapolis, Knoxville, Portland, Allentown, San Diego, Colorado Springs, Cleveland, and throughout virtually every state in America.
- 1997 to Present – Volunteer Presiding and Scoring Competition Judge, Minnesota State Bar Association High School Mock Trial Competition.

Excellent Familiarity with John H. Goolsby and Goolsby Law Office, LLC

30. I am very familiar with the work of John H. Goolsby.
31. I have known Mr. Goolsby since 2002, and I am familiar with his skills and abilities.
32. In my opinion, Mr. Goolsby is a highly competent and experienced lawyer.

33. Mr. Goolsby is an accomplished consumer law attorney, highly respected in the consumer law community, particularly in the Fair Credit Reporting Act field. I consider him the foremost authority on the Fair Credit Reporting Act in Minnesota.
34. The Fair Credit Reporting Act is a particularly complex area of consumer law. Fair Credit Reporting Act cases often require painstaking review of massive numbers of documents, including documents coded in industry-specific language requiring special expertise and patience to decipher. Many consumer-rights attorneys in Minnesota and elsewhere avoid Fair Credit Reporting Act cases. While I have some experience with them, my own firm does not routinely take them.
35. I do not have any business relationship with Mr. Goolsby except a professional and social one as a fellow attorney.
36. I have not been compensated in any way for my time in preparing this declaration.

Appropriate Hourly Rate for John H. Goolsby

37. I am acquainted with the prevailing hourly rates that are being awarded and charged to consumer clients in the Minneapolis/St. Paul Twin Cities area by consumer lawyers. I am also familiar with the rates charged all over the country for this kind of work.
38. I have clients who have retained me in the past six months at the hourly rate of \$525.00 per hour and have willingly paid that rate for the consumer rights work I performed for them.
39. Based upon my review of Mr. Goolsby's fee application, his declaration, and/or the exhibits filed in support thereof in the above-captioned case, and upon my

observations, experience, and knowledge of the current rates for consumer lawyers in the Minneapolis/St. Paul Twin Cities area, John H. Goolsby is an experienced and capable lawyer who can certainly ask for and expect to receive \$350.00 per hour, at least, for his professional time and efforts on behalf of consumer Plaintiffs. I believe that a rate of \$400.00 - \$450.00 per hour would certainly be reasonable based upon Mr. Goolsby's skills, abilities, experience and expertise in this area of law.

I, Peter F. Barry, declare and certify under the penalties of perjury that the above statements are true and correct.

Dated: October 6, 2016

Respectfully submitted,

BARRY & HELWIG, LLC



By: **s/Peter F. Barry**

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